

**REMARKS**

The Office Action dated December 8, 2005 has been received and carefully noted. The preceding amendments and the following remarks are submitted as a full and complete response thereto.

**Objections to the Drawings**

Examiner has objected to several aspects of the drawings under 37 C.F.R. 1.83(a). Applicants have enclosed a proposed replacement drawing indicating the location of the spacers (14) and top carrier plate (3). Claim 2 has been amended to refer to element (14) instead of element (12). Claim 9 has been amended to recite the term “holders” instead of the term “devices”. Claim 12 has been amended to recite the term “comprises” instead of the term “holds”. Claims 5 and 10 have been cancelled rendering objections to these claims moot. Applicant believes that the above amendments and cancellations, which were made without prejudice or disclaimer, fully address the examiner’s objections. Accordingly, Applicant respectfully requests that all of the above objections be withdrawn.

**Rejections Under 35 U.S.C. § 112**

Examiner has rejected claims 1-12 under 35 U.S.C. § 112 on several grounds. Claim 1 has been amended to recite the term “comprising” instead of the term “consisting of”. Accordingly, further elements may be added as dependent claims. Claim 2 has been amended to recite the singular term “carrier plate” instead of the plural term “carrier plates”. Accordingly, there is no antecedent basis problem in claim 2. Claim 5 has been cancelled and therefore the rejection of claim 5 is moot. Claim 9 has been amended to

recite the term “holders” instead of the term “devices”. “Holders” have adequate support in the specification and, accordingly, the rejection of claim 9 should be withdrawn.

Applicant respectfully requests that the rejections of claims 1, 2, 5 and 9 under 35 U.S.C. § 112 be withdrawn and submit that claims 1, 2 and 9 are allowable in view of the foregoing amendments and cancellations, which have been made without prejudice or disclaimer.

**Rejections Under 35 U.S.C. § 103**

Examiner has rejected claims 1-6 and 8-11 as being obvious over U.S. Pat. No. 1,733,176 (“Winter”). Applicant respectfully disagrees. Winter does not teach that panels are brought into “reversing and swiveling engagement” with the plates, as recited in claim 1. Instead, Winter teaches that the rods 29 hold the panels in a radially fixed position in relation to the circular raceway 21 by virtue of shoes 30 engaged within the raceway. See Fig. 11, (29 & 30); Figs. 6 & 7; page 2, lines 68-79. The Winter panels are designed not to swing or reverse about the raceway because that would be antithetical to the purpose of allowing each advertisement to be seen by the passerby in a periodic manner. See page 1, lines 5-11. If swingable panels were placed on Winter the panels would flop and swing at inconsistent angles as the device operates, thereby potentially shielding the views of those that pass by. See page 1, lines 76-83. Therefore, Winter does not teach all of the elements of Claim 1.

Even if Winter teaches panels brought into reversing and swiveling engagement with the plates, which it does not, nowhere does Winter teach that the lower ring (20) is of a greater diameter of the upper ring (37a). See Fig 1. As described on pages 1 and 2 of the present application, the size difference of the top and bottom plates significantly

assists with the introduction of the panel-shaped material, as reflected in claim 1. Winter has no such need for such assistance and accordingly does not teach a larger diameter lower plate. Therefore, Winter does not teach all of the elements of Claim 1.

Examiner has rejected claim 7 as being obvious over Winter, and further in view of U.S. Pat. No. 1,213,026 ("Sande"). Examiner has also rejected claim 12 as being obvious over Winter, and further in view of U.S. Pat. No. 3,502,716 ("Hafkemeyer"). Since these claims are dependent on independent claim 1, Applicant respectfully submits that these rejections are moot based on the above arguments, and therefore these claims are allowable.

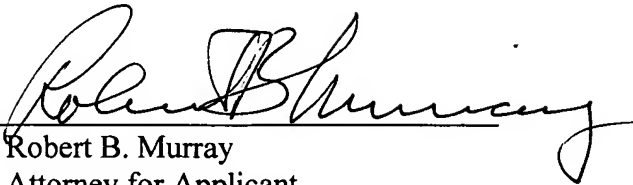
In view of the above arguments, Applicant respectfully requests withdrawal of the rejection of claim 1 and submits that claim 1 and its associated dependent claims are allowable.

Furthermore, in view of all of the above amendments and remarks, Applicant believes that the claims satisfy the requirements of the patent statutes and fully address the Examiner's concerns as set forth in the December 8, 2005 Office Action.

Reconsideration of the instant application and early notice of allowance therefore are requested. The Examiner is invited to telephone the undersigned if such a call is deemed to expedite allowance of the application.

If any additional fee is due in connection with the filing of this Response, please such fee to Deposit Account No. 02-2135.

Respectfully Submitted

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Proposed Amendment to the Drawings

The attached drawing includes proposed changes to original Figure 1. If approved, this sheet should replace original "Figure 1" that is currently on file with the PTO. In Figure 1, element 14 and a line connecting element 3 to the top carrier plate have been added (as indicated in red ink).



ANNOTATED SHEET

Serial No. 10/808,599  
Inventor: JAROSCH  
Attorney Docket: 2920-118

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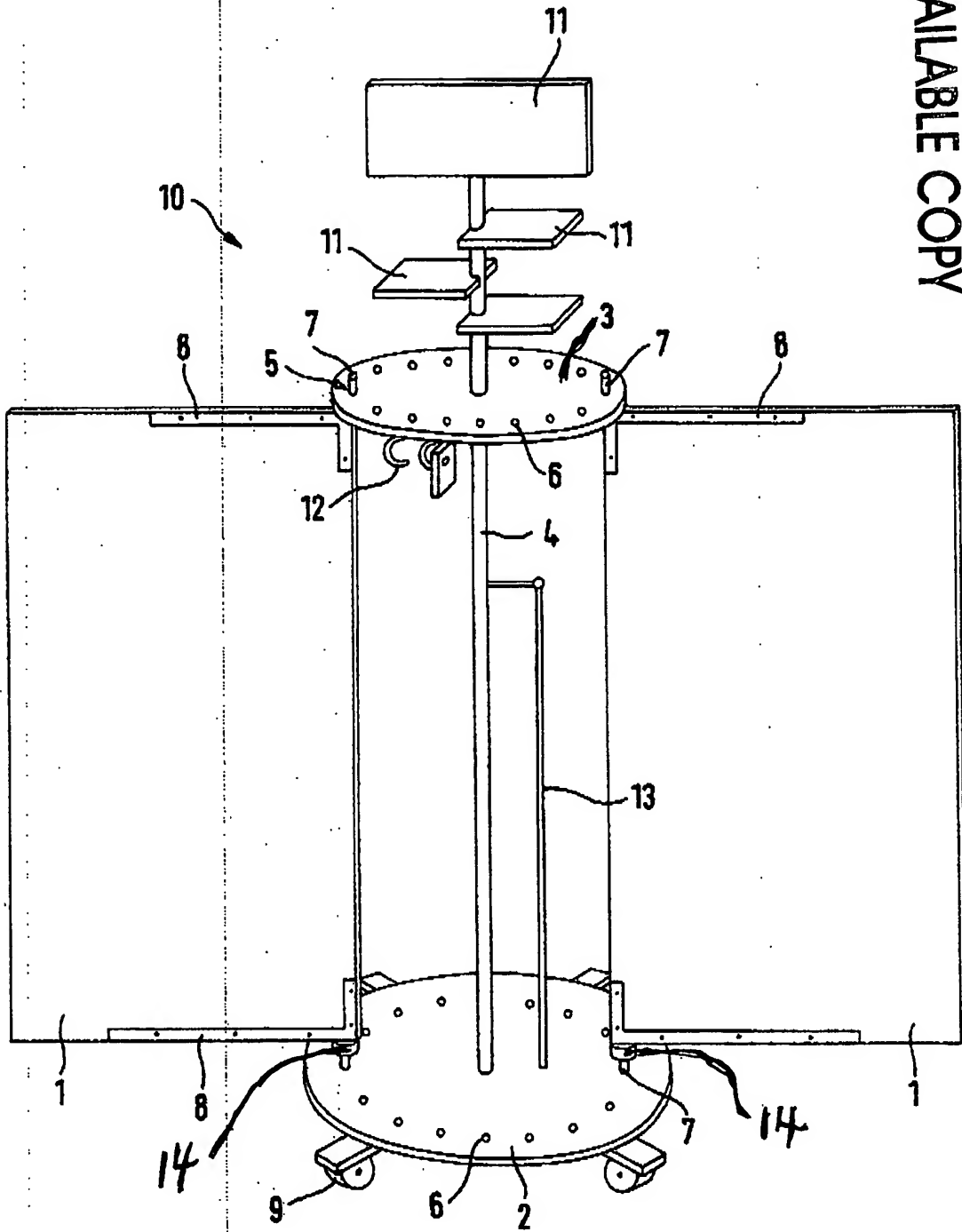


FIG.1